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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS,  
SAN ANTONIO DIVISION**

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|---------------------------------------|---|-----------------------------------|
| Richard Brewer, Jean Carol Lane,      | § |                                   |
| And the Texas Division,               | § |                                   |
| Sons of Confederate Veterans, Inc.,   | § |                                   |
| Plaintiffs,                           | § |                                   |
|                                       | § |                                   |
| v.                                    | § |                                   |
|                                       | § |                                   |
| Ron Nirenberg,                        | § |                                   |
| In His Official Capacity as           | § |                                   |
| Mayor of the City of San Antonio, and | § | Civil Action No. 5:17-cv-00837-DE |
| Roberto Trevino, William Shaw,        | § |                                   |
| Rebecca Viagran, Rey Saldana,         | § |                                   |
| Shirley Gonzales, Greg Brockhouse,    | § |                                   |
| Ana Sandoval, Manny Pelaez,           | § |                                   |
| John Courage, and Clayton Perry,      | § |                                   |
| In Their Official Capacities as       | § |                                   |
| Members of the San Antonio            | § |                                   |
| City Council,                         | § |                                   |
| Defendants.                           | § |                                   |

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**PLAINTIFF'S EMERGENCY MOTION FOR  
DEFERRED RULING**

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**A. INTRODUCTION**

1. Plaintiffs are RICHARD BREWER, JEAN CAROL LANE, and TEXAS DIVISION, SONS of CONFEDERATE VETERANS, INC.; defendants are RON NIRENBERG, in his OFFICIAL CAPACITY as MAYOR of the CITY of SAN ANTONIO, and ROBERT TREVINO, WILLIAM SHAW, REBECCA

VIAGRAN, REY SALDANA, SHIRLEY GONZALES, GREG BROCKHOUSE, ANA SANDOVAL, MANNY PELAEZ, JOHN COURAGE, and CLAYTON PERRY in their OFFICIAL CAPACITIES as MEMBERS of the SAN ANTONIO CITY COUNCIL.

2. A TRO Hearing was held at 2PM today where the court stated its sincere belief in the “right of Appeal” and that the court would produce a written ruling by 4:4:30. Plaintiffs aver that should either party desire to appeal an unfavorable ruling, that they would have almost no time to perfect such an appeal for 5<sup>th</sup> Circuit consideration. This is our request that the Court defer release of its ruling until 9AM 01 SEP 2017, so that either party would have a reasonable opportunity to file an appeal before the 5<sup>th</sup> Circuit.

3. Further the Clerk of the Texas Supreme Court , will issue its decision in Bray v Fenves 16-0466 tomorrow which may decide standing issues under State Law and may rule on the merits of State actor removal of monuments.

#### **D. PRAYER**

16. For these reasons, plaintiffs ask that the Court defer release of its written ruling until 9AM Friday 01 SEP 2017 so that the non-prevailing party may effectively exercise any appeal rights and that the “status quo” be maintained until then.

August 30, 2017

Respectfully submitted,

By: /s KIRK DAVID LYONS  
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CERTIFICATE OF SERVICE

I certify that on August 31, 2017, a copy of this Plaintiff's Motion for Deferred Ruling was electronically delivered on Defendant's counsel

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